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10/075,512

02/15/2002

Blake James Nylund

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8935

7590

05/21/2004

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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2684

3

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,512

Applicant(s)

NYLUND, BLAKE JAMES

Examiner

Phuoc H Doan

Art Unit

2864

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,5-7,10 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-4,8-9 and 11-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1,7 are rejected under 35 U.S.C. 102(b) as being anticipated by
Brederveld et al (US 5,898,679).

As to claim 1, Brederveld et al teach method of distributing data in a network comprising a plurality of mobile nodes and at least a first fixed node, wherein at least a portion of the network for communicating with said mobile nodes is wireless, said method comprising the steps of:

(1) transmitting data via said wireless portion of said network 100 (Fig. 1) from said fixed node to at least a first of said mobile nodes that is within wireless transmission range of said fixed node (col. 4, lines 2-9); and

(2) transmitting said data from said first mobile node to a second of said mobile nodes responsive to said first mobile node coming within wireless transmission range of said second mobile node. See (col. 4, lines 2-11).

As to claim 7, Brederveld et al teach the method of claim 1 further comprising a second fixed node and wherein said second fixed node cannot communicate directly with said first fixed node, said method further comprising the steps of: (5) transmitting data from a mobile node to said second fixed node when said mobile node comes within wireless transmission range of 140, 141 (Fig. 1) said second fixed node. See (col. 4, lines 1-40).

Claim 10, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Cromer et al (Pub. No.: US 2003/0156558).

As to claim 10, Cromer et al teach a method of distributing data in a network comprising a plurality of mobile nodes and at least a first fixed node, wherein at least a portion of the network for communicating with said mobile nodes is wireless, said method comprising the steps of:

(1) said mobile nodes issuing requests via said wireless portion of said network for data from said fixed node 22, 41 (Fig. 3, page 7, paragraph 87) ;
(2) responsive to receipt of said requests, said fixed node transmitting said data via said wireless portion of said network to said mobile nodes from which it receives said requests; (3) if a mobile node does not receive said data requested in step (1) from said fixed node, said mobile node issuing a request for said data from other mobile nodes; and (4) if another mobile node receives said request issued in step (3) and has said requested data, said another mobile node transmitting said requested data to said requesting mobile node. See (Fig. 3, page 7, paragraphs 87-88).

As to claim 16, Cromer et al teach the method of claim 10 further comprising a second fixed node wherein said second fixed node cannot communicate directly with said first fixed node, said method further comprising the step of:

(6) transmitting data from a mobile node to said second fixed node when said mobile node comes within wireless transmission range of said second fixed node. See (Fig. 3, page 4, paragraphs 58-63).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brederveld et al in view of Cromer et al (Pub. No.: US 2003/0156558).

As to claim 5, Brederveld et al fail to teach the method of claim 1 comprises the steps of:

(1.1) said first mobile nodes issuing a request to said fixed node for said data;
(1.2) responsive to receipt of said request from said first mobile node, said fixed node transmitting said data to said at least one mobile node. Cromer et al teach the method of claim 1 comprises the steps of:

(1.1) said first mobile nodes issuing a request to said fixed node for said data (Fig. 3, page 4, paragraph 62);

(1.2) responsive to receipt of said request from said first mobile node, said fixed node transmitting said data to said at least one mobile node. See (Fig. 3, page 4, paragraphs 62-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the mobile node issuing a request to fixed node for data, and responsive to receipt of request from first mobile node of Cromer et al to the method of Brederveld et al (page 4, paragraphs 62-63).

As to claim 6, Brederveld et al fail to teach the method of step (1.1) is performed periodically. Cromer et al teach the method of step (1.1) is performed periodically (Fig. 16, page 10, paragraph 112). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide step (1.1) is performed periodically of Cromer et al to the method of Brederveld et al (page 10, paragraphs 112-113).

Allowable Subject Matter

3. Claims 17-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 17, Brederveld et al and Cromer et al, alone or in combination, fail to teach method comprising the steps of:

- (1) mobile nodes maintaining a list of data items that are to be synchronized to said data of first fixed node corresponding to said data items;
- (2) if a mobile node is within wireless transmission range of said first fixed node, synchronizing said data corresponding to said data items at said mobile node with said data corresponding to said data items at said first fixed node;
- (3) if a mobile node is not within wireless transmission range of said first fixed node and is within wireless transmission range of another mobile node, synchronizing said data corresponding to said data categories at said mobile node with said data corresponding to said data items said another mobile node.

As to claim 19, Brederveld et al and Cromer et al, alone or in combination, fail to teach a first circuit for synchronizing data stored in said memory with corresponding data stored in said first server node via said radio; a second circuit for synchronizing data stored in said memory with corresponding data stored in another mobile node if said mobile node cannot communicate with said server node, but can communicate with another mobile network node.

Dependant claims 18, and 20 are allowable for the same reason.

Claims 2-4, 8-9, and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 2, the prior art of record fail to teach that steps of: (3) before performing step (2), determining if said second mobile node already has said data; wherein step (2) is performed only if said second mobile node does not already have said data.

As to claim 8, the prior art of record fail to teach that method of claim 7 further comprising the step of: (6) before performing step (5), determining if said mobile node already has said data; wherein step (5) is performed only if said fixed node does not already have said data.

As to claim 11, the prior art of record fail to teach that method of claim 10 further comprising the steps of: (5) each said mobile node maintaining a list of data items that are to be synchronized on said nodes of said network.

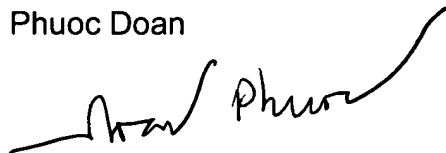
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H Doan whose telephone number is 703-305-6311. The examiner can normally be reached on 9:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung A Nay can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc Doan

A handwritten signature in black ink, appearing to read "Phuoc Doan", with a long, sweeping flourish extending from the end.A handwritten signature in black ink, appearing to read "NAY MAUNG", with a long, sweeping flourish extending from the end.

NAY MAUNG
SUPERVISORY PATENT EXAMINER